

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LORENZO ESCUDERO,

Plaintiff,

V.

STEPHANIE ARNOLD, MAIL
SUPERVISOR, TELFORD UNIT; GINA L
JONES, FNU BATES, JAMMY SHELBY,
FNU WARD, FNU MARSHALL, CAPTAIN
SCOTT,

Defendants.

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CIVIL ACTION NO. 5:20-CV-00145-RWS

ORDER

Plaintiff Lorenzo Escudero, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was ordered to pay the statutory filing fee or seek leave to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915(b). Docket No. 5. By separate order, Plaintiff was directed to file an amended complaint setting forth a short and plain statement of his claims. Docket No. 6.

Plaintiff did not comply with either order. Instead, he filed a number of pleadings asserting that he did not consent to the Magistrate Judge. Docket Nos. 4, 9, 10, 11, 13. He also contends that: “magistrate judge” is not a constitutionally authorized officer and actions before one who is not a judge are void; the orders he received are “counterfeit” and refer to an “erroneous petitioner” because it lists his name in all capital letters and he is not LORENZO ESCUDERO but rather Lorenzo Escudero; the Court’s orders overrule the U.S. Constitution because courts have no

constitutional authority to impose taxes or fees; he does not have an inmate trust account because the name on it is listed in all capital letters; the order of referral to the Magistrate Judge refers to a “standing order” but he is not in the military; laws such as the Prison Litigation Reform Act and policies such as the Federal Rules of Civil Procedure serve to evade and violate due process of law; and other arguments of this nature.

After review of the pleadings, the Magistrate Judge issued a Report recommending dismissal of the lawsuit for failure to prosecute or to obey an order of the Court. Docket No. 14. In his objections, Escudero argues that: he is suffering from official oppression and denial of access to court; he is not proceeding *pro se* but as a “natural man”; he did not file suit under 42 U.S.C. § 1983 because he filed a “declaration of complaint for constitutional transgressions”; the statute providing for referral of cases to the Magistrate Judge violates the Constitution and the Bill of Rights; Plaintiff is not LORENZO ESCUDERO in all capital letters but rather Lorenzo Escudero; the Report of the Magistrate Judge is “counterfeit judicial process” and therefore void; the order directing payment of the filing fee amounted to extortion and fees should not be charged for the performance of constitutional rights; and so on. Docket No. 18.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge’s proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff’s objections are without merit. Accordingly, it is

ORDERED that the Plaintiff’s objections are **OVERRULED** and the Report of the Magistrate Judge (Docket No. 14) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that because Plaintiff's claims appear to have begun in September of 2019, the statute of limitations is suspended for a period of 60 days following the date of entry of final judgment. Any claims already barred by limitations at the time this lawsuit was filed will remain barred.

So ORDERED and SIGNED this 27th day of August, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE